

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERIC J. LYONS,)	
)	
v.)	C.A. No. 03-75 Erie
)	District Judge McLaughlin
LT. JOSEPH EMERICK, et al.,)	Magistrate Judge Baxter
Defendants.)	

ORDER

AND NOW, this 28th day of October, 2005;

In light of the Report and Recommendation issued this day,

IT IS HEREBY ORDERED that Plaintiff's motion to compel [Document # 112] be DENIED as Plaintiff's discovery requests are not germane to the statute of limitations analysis.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief United States Magistrate Judge